

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2004 APR 16 P 12:07

CASE NO. 3:04-CV-146-J-99HTS

SEA STAR LINE, LLC,

Plaintiff,

v.

EMERALD EQUIPMENT LEASING, INC.,

Defendant.

AMENDED UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant, EMERALD EQUIPMENT LEASING, INC. ("Defendant"), by and through their undersigned attorneys and pursuant to Rule 6, Federal Rules of Civil Procedure, hereby request an extension of time to respond to the Complaint in this action by the Plaintiff, SEA STAR LINE, LLC ("Sea Star"). In support of this motion, Defendant states as follows:

1. On or about March 1, 2004, Sea Star initiated this action against Defendant.
2. This case involves issues related to an ongoing Chapter 11 bankruptcy proceeding now pending in Delaware (Case no. 01-934 (MFW)).
3. Counsel for Defendant requests an extension of time (14 days) up to and including April 28, 2004 within which to file its initial response to the Complaint in this matter, and Counsel for the Plaintiff has no objection to the requested extension.

MEMORANDUM OF LAW

The Court has broad discretion to enlarge time periods established by Rules of Procedure or Court order. See Woods v. Allied Concord Financial Corp., 373 F.2d 733 (5th Cir. 1967); Fed. R. Civ. P. 6. Furthermore, enlargements of time are appropriate where a party demonstrates a reasonable basis for such request. Beaufort Concrete Co. v. Atlantic States Const. Co., 352 F.2d 460 (5th Cir. 1965).

In this case, a reasonable basis exists for granting the requested extension. Furthermore, the parties are in agreement as to the extension.

WHEREFORE, Defendant respectfully requests that the Court extend the time to respond to the Complaint until April 28, 2004.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served this 14th day of March, 2004, via facsimile ((305) 442-4300) and U.S. Mail:

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